

**OFFICE OF THE ATTORNEY GENERAL OF TEXAS****AUSTIN****GERALD C. MANN**
ATTORNEY GENERAL

Honorable C. H. Robinson, Secretary
Texas State Board of Chiropractic Examiners
Fair Building
Fort Worth, Texas

Dear Sir:

Opinion No. 0-2639

Re: The question of the payment
of the secretary for services
rendered the Board.

This will acknowledge your letter of August 15, 1940,
in which you state, in part, as follows:

"As Secretary of the Texas State Board of Chiropractic Examiners, the writer spends conservatively estimated between forty-five to sixty hours monthly, in services actually and actively performed for the Board. During these hours the writer is deprived of making his regular means of livelihood. In addition, the writer's private offices have been rearranged at considerable personal expense, to provide for the keeping of records, equipment and use of the Texas State Board of Chiropractic Examiners. This has been necessary, because the said board can't always pay office rent, as at present, due to inadequate funds in its treasury.

"The questions are: 1. Could this board reimburse its Secretary for his actual time spent, and money spent, as his necessary expenses for services actually performed for the board, by allowing the Secretary two and one-half extra per diems monthly, at the rate of ten dollars a day as provided in the above quoted Article? 2. Is it your opinion that the Article 4574, already provides for such compensation by the sentence, 'The Secretary shall receive his necessary expenses for services actually performed for the Board.' Or is a proper motion necessary?"

Honorable C. H. Robinson, Page 2

Article 4568, Vernon's Annotated Civil Statutes, creating the Board of Chiropractic Examiners, says, in part:

"They (the board) shall, as soon as organized, and biennially thereafter in the month of January, elect from their members a president, vice-president and secretary-treasurer. . . ."

Article 4574 reads as follows:

"Each member of the board shall receive for his services ten dollars a day and necessary travelling and incidental expenses, while actually engaged in the service of the board. The secretary shall receive his necessary expenses for services actually performed for the board. All printing, postage and other contingent expenses, necessarily incurred in administering this law shall be paid from the fees received by the board, and all expenses shall be itemized, verified, audited and an account kept thereof by the Secretary of the Board, who shall pay the same out of said fees which accrued to it."

Since Article 4574 provides that "each member of the board shall receive ten dollars a day . . . while actually engaged in the service of the board," we believe that you, as a member and secretary of the board, may receive your per diem of \$10.00 for each day that you devote to the business of the board, irrespective of whether the entire board is in session on all such days.

The statute does not expressly require consent of the board for such payments, but it would certainly be proper, if you see fit, to submit all accounts to the board for approval.

Yours very truly

APPROVED AUG 23, 1940

ATTORNEY GENERAL OF TEXAS

George R. Allen
FIRST ASSISTANT
ATTORNEY GENERAL

By

Walter R. Koch
Walter R. Koch
Assistant

WRK:AMM

